

CITY OF ISSAQUAH

MITIGATED DETERMINATION OF NONSIGNIFICANCE (MDNS)

Description of Proposal: Proposal to construct one single-family residence on a 45,092 SF (1.035 acres) parcel. The proposal requires a variance because there is not an adequate building location on the site outside of wetland buffers and steep slope areas. The proposal is for a 1,600 SF house footprint within a total site development area of 7,405 SF.

The site contains two Category III wetlands which require a 50-foot buffer. The proposed development area is located between the two wetlands; 10 feet south of Wetland A and 5 feet to the north of Wetland B. The proposal avoids direct wetland impacts. The applicant proposes to enhance the wetlands and wetland buffer areas outside the site development area to mitigate for impacts.

The site has steep slope areas (greater than 40%) and the proposal would reduce the 50-foot steep slope buffer to 10 feet, with a 15 to 23-foot building setback from the buffer. A private side sewer would be installed up the steep slope to connect to public sewer in Mt Fury Circle SW.

The residence would be accessed from a driveway off Mt. Everest Lane SW.

Applicant:	William and Cheryl Sundby 2002 5 th St SE Puyallup, WA. 98372	Dan Koval 1215 Regents Blvd, Ste 1-B Fircrest, WA. 98466
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Permit Number: VAR13-00001

Location of Proposal: 645 Mt. Everest Lane SW

Lead Agency: City of Issaquah

Determination: The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

Comment/Appeal Period: This MDNS is issued under WAC 197-11-340(2) and 197-11-680(3)(a)vii. There is a 21-day combined comment/appeal period for this determination, between **January 7, 2016 to January 28, 2016**. Anyone wishing to comment may submit written comments to the Responsible Official. The Responsible Official will reconsider the determination based on timely comments. Any person aggrieved by this determination may appeal by filing a Notice of Appeal with the City of Issaquah Permit Center. Appellants should prepare specific factual objections. Copies of the environmental determination and other project application materials are available from the Issaquah Development Services Department, 1775 12th Avenue NW.

Appeals of this SEPA determination must be consolidated with appeal of the underlying permit, per IMC 18.04.250

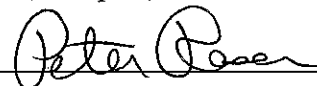
SEPA Responsible Official: Peter Rosen

Position/Title: Senior Environmental Planner

Address/Phone: P.O. Box 1307, Issaquah, WA 98027-1307 (425) 837-3094

Date: 1/7/2016

Signature:



Notes:

- 1) Construction of single-family residences on existing lots is categorically exempt from SEPA review, except where located in an environmentally sensitive area (IMC 18.10.300.A). The subject lot includes steep slopes and wetlands, which meet the definition and criteria of environmentally sensitive areas in the City's Critical Area Regulations. If a project is not categorically exempt because it is located within a critical area, environmental review is limited to: 1) Documenting whether the proposal is consistent with the requirements of the critical areas ordinance; and 2) Evaluating potentially significant impacts on the critical area resources not adequately addressed by GMA planning documents and development regulations [WAC 197-11-908(1)].
- 2) This threshold determination is based on review of the following application materials: updated Site Plan C-1.2, Development Engineering PLLC, received December 3, 2015; updated Wetland Mitigation Plans (Sheets 1-3) including Site Plan, Planting Plan and Monitoring Plan, Evergreen Aquatic Resource Consultants LLC, received December 3, 2015; Geotechnical Addendum Letter: Revised Site Plan, GeoResources, LLC, received December 3, 2015.

Previous submittal materials include: Site Plans C-0 through C-4 submitted by Development Engineering, PLLC including Existing Conditions, Grading and Drainage Plan, and General Notes and Details, received April 17, 2015; Wetland Buffer Reduction Plan and Mitigation Plans, Sheets 1-3, Evergreen Aquatic Resource Consultants, LLC, received April 17, 2015; Critical Area Study: Wetlands, Evergreen Aquatic Resource Consultants, LLC, received April 17, 2015; Wetland Delineation Study, Evergreen Aquatic Resource Consultants, LLC, received April 17, 2015; Drainage Report, Development Engineering, PLLC, received April 17, 2015; Geotechnical Engineering Report, GeoResources, LLC dated June 7, 2013 and revised April 3, 2015; Geotechnical Peer Review, Golder Associates, dated September 4, 2015; Wildlife Habitat Evaluation, Raedeke Associates, Inc., received April 17, 2015; SEPA environmental checklist received April 17, 2015; and other documents in the file.

- 3) Issuance of this threshold determination does not constitute approval of the variance application or building permit. The proposal will be reviewed for compliance with all applicable City of Issaquah codes, which regulate development activities, including the Land Use Codes, Building Codes, Road Standards, Surface Water Design Manual, and the Critical Area Regulations, and Clearing and Grading Ordinance.

Findings:

1. Site Development – The proposed site plan shows a development area which includes the proposed residence (1,600 SF building footprint), driveway access, and yard area. The total development area is approximately 7,405 SF. Construction clearing and grading limits shall be limited to the proposed development area. The remaining site area is wetland and steep slope critical areas and associated buffers and shall be recorded in a Native Growth Protection Easement (NGPE); precluding future development/improvements and protecting existing vegetation. The NGPE shall be recorded on property title prior to final building permit approval. Permanent survey stakes shall be set to delineate the boundaries between the NGPE and the development area.

The applicant shall be responsible for providing an adequate area for construction staging. Construction staging shall not be allowed on site outside of the approved clearing and grading limits. Construction staging shall not block the driveway of the neighboring property accessed off the Mt Everest Lane SW cul-de-sac and shall maintain emergency access.

2. Wetlands – A Critical Area Study (Evergreen Aquatic Resource Consultants) was prepared to evaluate wetlands, wetland impacts and mitigation for the proposal. The site includes two Category III wetlands: Wetland A - 6,645 SF and Wetland B - 3,110 SF. Wetland A continues off-site to the north and east of the subject site and the total size of Wetland A is estimated at ± 1.35 acres. Wetland B also extends off-site and total size is estimated at $\pm 3,600$ SF.

The proposed development area is located between the 2 wetlands. The proposal avoids direct wetland fill impacts. Category III wetlands require a 50-foot buffer per the City's Critical Area Regulations. The proposed development area is located 10 feet south of Wetland A and 5 feet north of Wetland B. The proposal would encroach/impact a total of 7,130 SF into wetland buffer area. The total wetland buffer area on the site is approximately 20,872 SF; the proposal would impact 7,130 SF or 34% of the total on-site wetland buffer area. To mitigate for the wetland buffer impacts, the proposal includes 13,742 SF of wetland buffer enhancement and 9,754 SF of wetland enhancement. The proposed wetland and wetland buffer mitigation equates to a 3.3:1 ratio of mitigation to the impact area. The mitigation would enhance all the wetland buffer and wetland areas on the site outside the proposed development area; removing non-native invasive plants and installing native plant species to improve wetland and wetland buffer functions (primarily habitat functions).

In order to clearly demarcate the wetland boundary and to minimize encroachment into the wetlands by future residents and pets, the applicant shall install a split rail fence along the wetland boundaries.

Because of the close proximity of the landscape/yard area to the wetland, the use of fertilizers and herbicides/pesticides could impact water quality and wetland vegetation. To address this impact, future residents shall only use slow-release fertilizers and herbicides/pesticides approved for use in aquatic environments.

A cut-off drain is proposed on the south side of the house to intercept subsurface drainage and dewater site soils that will provide bearing for the residence. Plan details (Detail 4, Sheet C-4) indicate the cut-off drain would connect to the on-site storm outfall (dispersion trench) on the north side of the house at the edge of Wetland A. The cut-off drain is located within 20 feet of Wetland B. According to the geotechnical peer review (Golder Associates, September 4, 2015), the cut-off drain is located at an even elevation with the wetland and it's not located upstream of the wetland and therefore the cut-off drain would have minimal impact on the hydrology to Wetland B. However, the proposed driveway may dam or interrupt existing surface flows from Wetland B to Wetland A, affecting the existing hydrology to Wetland A. The applicant shall prepare a wetland hydrologic analysis to demonstrate pre-development hydrology to both Wetlands A and B would be maintained. This shall be approved by the Development Services Department prior to issuing construction permits.

Final wetland/wetland buffer enhancement mitigation plans shall be submitted to include planting densities and performance standards consistent with the King County Critical Areas Mitigation Guidelines. Final mitigation plans shall be approved prior to issuance of building permits.

To ensure successful installation of the proposed mitigation plantings, the consulting biologist shall verify in writing that the planting has been installed per the approved plan. An as-built plan of the mitigation planting shall be provided prior to final occupancy approval of building permits.

A 5-year monitoring/maintenance bond is required for the wetland/wetland buffer mitigation plan; equal to 50% of the cost of plants, installation, and the cost of 5 years of maintenance and monitoring. The bond is required prior to final building permit approval.

3. Steep Slopes – The site slopes down from the southwest to northeast. The slopes on the south part of the site off Mt. Fury Circle incline steeply between 80-110% with a vertical height of 40 to 50 feet. The west part of the site has steep slopes between 30-40%. The City's Critical Area Regulations

require buffers and restricts development on slopes greater than 40%. The proposed development area does not encroach into 40% steep slope areas.

A geotechnical engineering report (GeoResources, LLC) was prepared to evaluate geologic and soil conditions and recommended a reduction in the steep slope buffer from 50 feet to 10 feet, with a 15 to 23 foot building setback from the reduced buffer. The Critical Areas Regulations allow steep slope buffers to be reduced to a minimum of 10 feet with a 15-foot building setback; an occupied building may not be closer than 25 feet from the toe of a steep slope. The applicant previously proposed a reduction in the steep slope buffer from 50 feet to 20-30 feet, with a 15-foot building setback from the reduced buffer. The City required a peer review of the geotechnical reports and the proposed steep slope buffer reduction to 20-30 feet, and the review concluded that proposal provides an adequate factor of safety against deep-seated slope instability (Geotechnical Peer Review, Golder Associates, dated September 4, 2015).

The proposal includes additional protective measures to address steep slope hazards. A cut-off drain is proposed on the south side of the house to intercept subsurface drainage and dewater site soils that will provide bearing for the residence. The geotechnical report recommends installation of a catchment wall, located at the 10-foot buffer from the toe of the steep slope, to provide protection from shallow slope failures and erosion. The catchment wall would be either a cast-in-place concrete wall or a flexible shallow landslide barrier approximately 60 feet long. The top of the wall will extend a minimum of 3 feet above the adjacent grade.

Site specific building permit plans were not evaluated by the geotechnical study. The applicant shall submit a geotechnical report evaluating specific building and grading plans with the submittal of building permits. A structural engineer shall design the house foundation per the geotechnical design criteria. A third-party independent review of the geotechnical report and building plans will be required at the applicant's expense.

A private 2-inch side sewer would be installed up the steep slope to connect to public sewer in Mt Fury Circle SW. Based on comments from Golder Associate's geotechnical peer review, the side sewer is aligned perpendicular to the slope to minimize surface water collection in the pipe trench. The plans indicate the sewer line would avoid existing trees and the geotechnical report (GeoResources, April 3, 2015) recommends the line be trenched to a maximum depth of 24 inches. The alignment of the side sewer line shall be reviewed to minimize impacts to trees and existing vegetation and to approve a construction method that minimizes slope disturbance, prior to issuance of construction permits.

4. Coal Mine Hazards - This site is located within a coal mine hazard area, identified as the Squak-Cougar Mine Area No. 4. The Washington State DNR OFR 94-7 identifies the mine as K-8. According to the geotechnical report (GeoResources, April 3, 2015), the Level Bed #4 is mapped 400 feet below grade and is therefore "declassified." The City of Issaquah "Public Information Bulletin: Coal Mine Hazard Areas (June 1999)" defines "declassified" coal mine hazards where areas are underlain or directly affected by coal mines at depths greater than 300 feet measured from the ground surface.
5. Wildlife - A Wildlife Habitat Evaluation (Raedeke Associates, October 27, 2014) was prepared to review project impacts on wildlife, particularly impacts to "protected species," and whether there are nesting woodpeckers or owls on the site. The Washington Department of Fish and Wildlife Priority Habitats and Species (PHS) database was reviewed for mapped occurrences of species listed as endangered, threatened, sensitive, or other species of concern. The pileated woodpecker is considered a State Candidate for listing as a sensitive species by the Washington Department of Fish and Wildlife. There were several large wildlife snags (standing dead trees) found on the site with relatively recent foraging excavations by pileated woodpeckers, but no apparent nest cavities. The report states there was no evidence of active nest or roost sites of pileated woodpeckers on the project site. It appears that pileated woodpeckers may use the site as part of a larger home range;

however the project site likely represents a very small portion of the home range, which typically encompasses up to several square miles. The proposed project is not expected to significantly reduce the likelihood of the continued persistence of pileated woodpeckers in the general vicinity, given the extent of forest habitat surrounding the site, particularly the City's Hillside Park bordering the site to the north. No other wildlife species listed as endangered, threatened, or other priority status were observed on the site.

The report notes that the proposed development area includes most of the existing snags (including 2 large hemlock snags and a large double-trunk maple snag) with forage signs of pileated woodpeckers. The report recommends placing these snags within the adjoining wetland or upland area as downed logs to serve as potential foraging habitat for pileated woodpecker and habitat for other species. It also notes other large logs within the proposed development area that could be placed in the adjacent wetland or upland forest area to provide habitat. The existing snags within the development area and other large trees that would provide habitat as downed logs shall be placed within the wetland or upland forested area of the site. The number, species and size of downed logs shall be shown on the mitigation plans, required to be approved by the Development Service Department prior to issuance of construction permits.

Mitigation Measures: The Mitigated Determination of Nonsignificance is based on the checklist and submitted application materials received April 17, 2015 and revised plans received December 3, 2015. The following SEPA mitigation measures shall be deemed conditions of the approval of the licensing decision pursuant to Chapter 18.10 of the Issaquah Land Use Code. All conditions are based on policies adopted by reference in the Land Use Code.

- 1) Construction clearing and grading limits shall be limited to the proposed development area. The remaining site area is wetland, steep slope critical areas and associated buffers and shall be recorded in a Native Growth Protection Easement (NGPE), precluding future development/improvements and protecting existing vegetation. The NGPE shall be recorded on property title prior to final building permit approval.
- 2) Permanent survey stakes shall be set to delineate the boundaries between the Native Growth Protection Easement (NGPE) and the development area, prior to final building permit approval.
- 3) The applicant shall be responsible for providing an adequate area for construction staging. Construction staging shall not be allowed on site outside of approved clearing and grading limits. The construction staging area shall not block the driveway of the neighboring property accessed off the Mt Everest Lane SW cul-de-sac and shall maintain emergency access.
- 4) In order to clearly demarcate the wetland boundary and to minimize encroachment into the wetlands by future residents and pets, the applicant shall install a split rail fence along the wetland boundaries.
- 5) Because of the close proximity of the landscape/yard area to the wetland, the use of fertilizers and herbicides/pesticides could impact water quality and wetland vegetation. To address this impact, future residents shall only use slow-release fertilizers and herbicides/pesticides approved for use in aquatic environments.
- 6) The applicant shall prepare a wetland hydrologic analysis to demonstrate pre-development hydrology to both Wetlands A and B would be maintained. This shall be approved by the Development Services Department prior to issuing construction permits.

- 7) Final wetland/wetland buffer enhancement mitigation plans shall be submitted to include planting densities and performance standards consistent with the King County Critical Areas Mitigation Guidelines. Final mitigation plans shall be approved prior to issuance of building permits.
- 8) To ensure successful installation of the proposed mitigation plantings, the consulting biologist shall verify in writing that the planting has been installed per the approved plan. An as-built plan of the mitigation planting shall be provided prior to final occupancy approval of the building permit.
- 9) A 5-year monitoring/maintenance bond is required for the wetland/wetland buffer mitigation plan; equal to 50% of the cost of plants, installation, and the cost of 5 years of maintenance and monitoring. The bond is required prior to final building permit approval.
- 10) Site-specific building permit plans were not evaluated by the geotechnical study. The applicant shall submit a geotechnical report evaluating specific building and grading plans with submittal of building permits. A structural engineer shall design the house foundation per the geotechnical design criteria. A third-party independent review of the geotechnical report and building plans will be required at the applicant's expense.
- 11) The alignment of the side sewer line shall be reviewed to minimize impacts to trees and existing vegetation and to approve a construction method that minimizes slope disturbance, prior to issuance of construction permits.
- 12) The existing snags within the development area and other large trees that would provide habitat as downed logs shall be placed within the wetland or upland forested area of the site. The number, species and size of downed logs shall be shown on the mitigation plans, required to be approved by the Development Service Department prior to issuance of construction permits.

cc: Washington State Department of Ecology
Muckleshoot Indian Tribe
U.S. Army Corps of Engineers
Washington State Department of Fish and Wildlife
Washington State Department of Archeology and Historic Preservation (DAHP)
Issaquah Development Services Department
Parties of Record